

01-02-02

10/23/01
JC872 U.S. PTO

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 35718/237005 (35718-118)

First Inventor or Application Identifier: Abad, et al.

Title of Invention: GENES ENCODING NOVEL PROTEINS
WITH PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

Express Mail Label No. EL868637910US

A
Box Seq

ADDRESS TO: **BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Andre R. Abad

1030 Belle Mar Drive
West Des Moines, Iowa 50265
Citizenship: France

Nicholas B. Duck
1227 Tartarian Trail
Apex, NC 27502
Citizenship: USA

Xiang Feng
4509 - 86th Street, Apt. 5
West Des Moines, Iowa 50265
Citizenship: Peoples Republic of China

Ronald D. Flannagan
512 N.W. Norton Circle
Grimes, Iowa 50111
Citizenship: USA

Theodore W. Kahn
5807 Brentwood Circle
Johnston, Iowa 50131
Citizenship: USA

Lynne E. Sims
816 W. Broadway Street
Polk City, Iowa 50226
Citizenship: USA

Assignee of this invention is

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

J1036 U.S. PTO
10/032717
10/23/01

		Small Entity		Large Entity	
No. Filed	No. Extra	Rate	Fee 0	Rate	Fee 1
BASIC FEE			\$0		\$740
TOTAL CLAIMS:	36 - 20 = 16		X 9 = \$0		x 18 = \$288
INDEP CLAIMS:	13 - 3 = 10		X 42 = \$0		x 84 = \$840
[<input type="checkbox"/>] MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$		+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$		TOTAL \$ 1868

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No.

- a. ☐ Fees required under 37 CFR 1.16 (National filing fees).
b. ☐ Fees required under 37 CFR 1.17 (National application processing fees).
☐ A check in the amount of \$ ___ for the filing fee is enclosed.
☒ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

3. ☒ Specification; Total Pages 88
4. ☐ ___ Sheets of Formal Drawing(s) (35 USC 113)
5. ☐ Declaration and Power of Attorney; [Total Pages ___]
a. ☐ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☒ Computer Readable Copy (CRF)
b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
c. ☒ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☒ Paper (90 Pages)
d. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee); ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449; ___ Copies of IDS Citations
13. ☐ Preliminary Amendment

14. ☒ Return Receipt (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
☐ Foreign Priority is claimed as Application No. , filed
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB35 or its equivalent.
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CF 1.76:
☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
of prior Application No: __; Filed __

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **CORRESPONDENCE ADDRESS**

CUSTOMER NUMBER 29122

Signature:

Attorney/Agent of Record: Patricia L. Chisholm

Attorney/Agent Registration No. 45,822

Alston & Bird LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Raleigh Office (919) 862-2200

Fax Raleigh Office (919) 862-2260

"Express Mail" mailing label number EL868637910US

Date of Deposit October 23, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner For Patents, Washington, DC 20231.

Pamela Lockley

RTA01/2105725v1